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Dated: October 13, 2004

Signature:

(Ronald E. Cahill)

Docket No.: 022956-0072

27W AF  
3738

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Daniel F. Justin et al.

Application No.: 09/966,737

Art Unit: 3738

Filed: September 28, 2001

Examiner: H. Phan

For: EXPANDING LIGAMENT GRAFT FIXATION  
SYSTEM AND METHOD

NOTICE OF APPEAL PURSUANT TO 37 C.F.R. § 1.191

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Appeals and Interferences from the Office Action mailed July 13, 2004, which finally rejected claims 1-4, 6-11 and 21 and withdrew from consideration claims 12-20 of pending claims 1-21. The Notice of Appeal is being filed pursuant to 37 C.F.R. § 1.191, which states that an applicant for a patent whose claims have been twice rejected may appeal from the decision of the Examiner to the Board of Patent Appeals and Interferences. The appeal fee of \$340.00 pursuant to 37 C.F.R. § 41.20(b)(1) is enclosed herewith.

Please charge any additional fees or credit any overpayment to Deposit Account No. 141449.  
A duplicate of this sheet is enclosed.

Dated: October 13, 2004

Respectfully submitted,

By

Ronald E. Cahill

Registration No.: 38,403

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10/18/2004 HALI11 00000031 09966737

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340.00 DP

1368679.1

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**FEE TRANSMITTAL**  
**for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 340.00**Complete if Known**

Application Number	09/966,737-Conf. #3569
Filing Date	September 28, 2001
First Named Inventor	Daniel F. Justin
Examiner Name	H. Phan
Art Unit	3738
Attorney Docket No.	022956-0072

**METHOD OF PAYMENT (check all that apply)**
☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☐ Deposit Account:Deposit  
Account  
Number

141449

Deposit  
Account  
Name

Nutter McClennen &amp; Fish LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	340.00
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 340.00**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1) (\$)** 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims			
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)** 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**SUBMITTED BY**

Name (Print/Type) Ronald E. Cahill

Signature

Registration No.  
(Attorney/Agent)

38,403

(Complete (if applicable))

Telephone (617) 439-2000

Date

October 13, 2004

**Fee Transmittal**

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